



R. Benjamin King
Licensed in Arkansas & Texas

February 9, 2007

(via electronic transmission)

Mr. Raymond L. Sweigart
PILLSBURY WINTHROP SHAW PITTMAN
1650 Tysons Blvd.
McLean, VA 22102-4859

Re: *DataTreasury v. Wells Fargo, et al;* (Union Bank of California, N.A. and UnionBancal Corporation; Civ. No. 2:06cv0072, U.S.D.C. – E.D. Texas (Marshall))

Dear Mr. Sweigart:

From the 30(b)(6) deposition earlier this week relating to the Court's ability to assert jurisdiction over UnionBanCal Corporation (UNBC), it appears as though there may be a number of documents in your client's possession that were not produced but are responsive to the jurisdictional discovery requests we served. By way of example, I would refer you to the following documents discussed in your client's deposition: (1) list of all individuals who serve as an officer, director, or otherwise for UNBC and also serve as an officer, director, or otherwise by Union Bank of California; (2) employee benefit plans and the components thereof that are overseen and/or implemented by UNBC and/or its various committees; (3) Business Standard for Ethical Conduct policy applicable to UNBC and/or Union Bank of California; (4) policies of Union Bank of California and/or UNBC that are reviewed by the joint Public Policy Committee of UNBC and Union Bank of California; (5) all communications and documents transmitted between officers and directors of UNBC and the officers and directors of its bank subsidiaries; (6) all other documents responsive to the previously-served jurisdictional Requests for Production, specifically including Requests Nos. 9 and 10; (7) all minutes and other documents related to all meetings of the Boards of Directors of UNBC and its banking subsidiaries, particularly Union Bank of California; (8) all minutes and other documents related to all meetings of the various committees (joint or otherwise) that are created at the direction of the Board of Directors for UNBC, Union Bank of California, or both or committees of either UNBC or Union Bank of California that otherwise oversee or coordinate with committees of the other; and (9) documents reflecting the percentage of funding received by UNBC, as discussed, that is attributable to dividends paid to UNBC by Union Bank of California.

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In regards to the list of individuals addresses in (1) above, while a list of overlapping directors was provided, I do not believe a complete list of overlapping officers or other individuals was provided. In regards to the other items listed above, none of these documents have been provided.

As you know, your clients have represented to us and to the Court that they are separate legal entities following all corporate formalities. However, they produced no documents to support this fact, and the testimony of the corporate representative revealed that the Boards of Directors and their officers are overlapping, meet jointly, and have joint committees and shared officers. The documents requested above are unquestionably relevant to determine the veracity of these positions. In the spirit of cooperation, and despite our previous requests that these documents are responsive to, we will limit the time frame of our requests above to all documents from within the last five (5) years.

Please produce all documents identified above by Wednesday, February 14, 2007. As you know, we are under a strict time schedule for jurisdictional discovery based on Judge Craven's order, and we are required to supplement our briefing by Friday, February 16. If the documents identified above are not produced by February 14, we will file a Motion to Compel in addition to our supplemental briefing discussing UNBC's failure to produce this information.

We look forward to receiving all of the documents discussed above. Please contact me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Benjamin King" in a stylized, cursive script.

R. Benjamin King

RBK:mck